



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

LB
4/2/99

1603

Application of:

MCCULLOUGH, J.R. et al.

Application No.: 09/039,260

Group Art Unit: 1614

Filed: March 16, 1998

Examiner: To be assigned TRAVERS

For: METHODS FOR TREATING
DISORDERS USING
DESCARBOETHOXYLORATADINE

Attorney Docket No.: 4821-306

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SECOND INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of C.F.R. §1.56, there is hereby provided certain information for the Examiner's attention to be considered during the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record by executing the attached substitute Form PTO-1449 and returning it to the undersigned.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Substitute Form PTO-1449.
- 1b. ☒ Copies of references.
- 1c. ☒ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
- 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b) before the latter of three months after the U.S. patent application filing date or the first Office Action on the merits. Accordingly, no fee or certification is required.

3. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the first Office Action on the merits, but before a Final Office Action or a Notice of Allowance.

(Check either Item 3a or 3b)

3a. ☒ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.

3b. ☐ The \$240.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:

- ☐ enclosed
☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 11-1650.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after Final Office Action or Notice of Allowance, but before payment of Issue Fee.

A Petition to the Commissioner is hereby made under 37 C.F.R. §1.97(d) to request consideration of this Information Disclosure Statement. The \$130.00 fee set forth in 37 C.F.R. §1.17(i)(1) is:

- ☐ enclosed.
☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 11-1650.

The Certification Statement in Item 5 below is applicable.

5. ☒ Certification Statement *(applicable if Item 3a or Item 4 is checked)*

(Check either Item 5a or 5b)

- 5a. ☒ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

- 5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making reasonable inquiry, no item was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This is a continuation application under 37 C.F.R. §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of the publications listed on Form PTO-1449 from prior Application No. _____, filed on _____, of which this application claims priority under 35 U.S.C. §120, have not been submitted pursuant to 37 C.F.R. §1.98(d). Copies will be provided if requested by the Examiner.
- 6c. ☐ Copies of the publications listed on Form PTO-1449 which were not previously cited in prior application Serial No. _____, filed on _____, of which this application claims priority under 35 U.S.C. §120, are provided herewith.

7. ☒ This is a Supplemental Information Disclosure Statement. *(Check either Item 7a or 7b)*


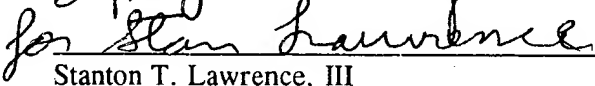
- 7a. ☒ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on April 8, 1998.

- 7b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of a PTO Notice under 37 C.F.R. §1.97(i).
8. ☒ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language reference is:

(Check Item 8a, 8b, or 8c)

- 8a. ☒ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ satisfied because an English-language Abstract of each non-English-language reference is submitted herewith.
- 8d. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 11-1650.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Date September 16, 1998

Respectfully submitted,
 (42,234)

Stanton T. Lawrence, III 25,736
(Reg. No.)

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Enclosures